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09/608,008	06/30/2000	Toshihiro Nakayama	P19355	9559

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RESTON, VA 20191

EXAMINER

YANG, RYAN R

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

51

Office Action Summary

Application No.

09/608,008

Applicant(s)

NAKAYAMA, TOSHIHIRO

Examiner

Ryan R Yang

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: Amendment, filed on 5/21/2003.

This action is final.

2. Claims 1-37 are pending in this application. Claims 1, 13, 32 and 33 are independent claims. In the Amendment, filed on 5/21/2003, claims 1, 13, 32 and 33 were amended, and claims 34-37 were added.

This application claims foreign priority dated 7/02/1999.

3. The present title of the invention is "Image processing computer system for photogrammetric analytical measurement" as filed originally.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-3, 7-9, 13-18, 22-24 and 28-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Endoh et al. (5,819,103) and further in view of Plunk (5,259,037).

As pe claim 1, Endoh et al, hereinafter Endoh, discloses an image processing computer system for a photogrammetric analytical measurement, said system comprising:

Art Unit: 2672

a monitor that displays a scene, said monitor including a picture display area and an editing-display area (Figure 2 where the left portion (60, 61, 62 and 63) are picture display area and the right portion is the editing-display area);

a first monitor controller that selectively displays only one picture in each of at least two sets of pictures on said picture-display area of said scene (Figure 4 114 the Data movement determining section);

a second monitor controller that transfers a displayed picture from said picture-display area to said editing-display area and vice versa (Figure 4 114 the data movement determining section); and

a third monitor controller that visually displays a connection relationship between pictures displayed on said editing-display area of said scene (Figure 4 114 Link control unit).

Endoh, discloses an image processing computer system. It is noted that Endoh does not explicitly disclose said image processing computer system is configured to produce a survey map by a photogrammetric analytical measurement using the connection relationship, however, this is known in the art as taught by Plunk. Plunk discloses a system to generate survey map by using photogrammetry (Figure 3 where 41, 42 and 40 provide points of connection).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Plunk into Endoh because discloses

Art Unit: 2672

an image processing computer system and Plunk discloses an imaging processing system using photogrammetry in order to automatically generate realistically three dimensional view of the scene.

6. As per claim 2, Endoh demonstrated all the elements as applied to the rejected independent claim 1, supra, and Endoh further discloses said picture-display area and said editing-display area is performed at a reduced size (see Figure 2).

7. As per claim 3, Endoh demonstrated all the elements as applied to the rejected independent claim 1, supra, and Endoh further discloses a transfer-indicator that indicates a picture to be transferred from said picture-display area to said editing-display area and vice versa ("For example, the operation target search section 924 moves the cursor upon movement of a device, and performs reverse display of a file at the cursor position, or turns on an indicator near the file", column 22, line 29-32).

8. As per claim 7, Endoh demonstrated all the elements as applied to the rejected independent claim 1, supra, and Endoh further discloses a connecting-strip is displayed on said editing-display area under control of said third monitor controller to indicate said connection relationship between the pictures displayed on said editing-display area of said scene (Figure 36 1123).

9. As per claim 8, Endoh demonstrated all the elements as applied to the rejected claim 7, supra, and Endoh further discloses said connecting-strip is displayed as a strip connected between the centers of the two adjacent pictures at the back faces thereof (Figure 36 1123).

Art Unit: 2672

10. As per claim 9, Endoh demonstrated all the elements as applied to the rejected independent claim 1, supra, and Endoh further discloses a fourth monitor controller that moves a picture, transferred from said picture-display area to said editing-display area, from one location to another location on said editing-display area (Figure 114 Data movement determining controller).

11. As per claim 13, Endoh discloses an image processing computer system for a photogrammetric analytical measurement in which a survey map is produced by connecting a first group of pictures and a second group of picture, said system comprising:

- a monitor that displays a first scene, said monitor including a picture-display area and an editing-display area (Figure 2 where the left portion (60, 61, 62 and 63) are picture display area and the right portion is the editing-display area);

- a first monitor controller that selectively displays only one picture in each of said first group and said second group, on said picture-display area of said first scene (Figure 4 114 the data movement determining section);

- a second monitor controller that transfers a displayed picture from said picture-display area to said editing-display area and vice versa (Figure 4 114 the data movement determining section); and

- a third monitor controller that visually displays a connection relationship between pictures displayed on said editing-display area of said first scene (Figure 4 114 link control unit).

Art Unit: 2672

Endoh, discloses an image processing computer system. It is noted that Endoh does not explicitly disclose said image processing computer system is configured to produce a survey map by a photogrammetric analytical measurement using the connection relationship, however, this is known in the art as taught by Plunk. Plunk discloses a system to generate survey map by using photogrammetry (Figure 3 where 41, 42 and 40 provide points of connection).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Plunk into Endoh because discloses an image processing computer system and Plunk discloses an imaging processing system using photogrammetry in order to automatically generate realistically three dimensional view of the scene.

12. As per claim 14, Endoh demonstrated all the elements as applied to the rejected independent claim 13, supra, and Endoh further discloses a display of pictures on said picture display area and said editing-display area is performed at a reduced size (see figure 2).

13. As per claim 15, Endoh demonstrated all the elements as applied to the rejected independent claim 13, supra, and Endoh further discloses each of said first and second groups includes at least two sets of pictures, and all respective pictures, included in the sets forming each group, are displayed on said picture-display area in photographing order under control of said first monitor controller (Figure 2 where each of the display area display a picture that is representative of a set of picture).

Art Unit: 2672

14. As per claim 16, Endoh demonstrated all the elements as applied to the rejected dependent claim 15, supra, and Endoh further discloses upon transferring one of the respective pictures, included in the sets forming each group, from said picture-display area to said editing-area and vice versa, a transfer of the remaining pictures in simultaneously performed under control of said second monitor controller (Figure 4 114 data movement determining section and Figure 20 where groups of data are moved).

15. As per claim 17, Endoh demonstrated all the elements as applied to the rejected dependent claim 16, supra, and Endoh further discloses upon transferring one of the respective pictures, included in the sets forming each group, from said picture-display area to said editing-area, a transfer of the remaining pictures is simultaneously performed under control of said second monitor controller, and all the respective pictures, included in the sets forming the other group, are displayed on said picture-display area under controller of said first monitor controller (Figure 4 114 data movement determining section and Figure 20 where groups of data are moved).

16. As per claim 18, Endoh demonstrated all the elements as applied to the rejected independent claim 13, supra, and Endoh further discloses a transfer-indicator that indicates a picture to be transferred from said picture display area to said editing-display area and vice versa ("For example, the operation target search section 924 moves the cursor upon movement of a device, and performs reverse display of a file at the cursor position, or turns on an indicator near the file", column 22, line 29-32).

17. As per claim 22, Endoh demonstrated all the elements as applied to the rejected independent claim 13, supra, and Endoh further discloses a connecting-strip is

Art Unit: 2672

displayed on said editing-display area under control of said third monitor controller to indicate said connection relationship between the pictures displayed on said editing-display area of said scene (Figure 36 1123).

18. As per claim 23, Endoh demonstrated all the elements as applied to the rejected claim 22, supra, and Endoh further discloses said connecting-strip is displayed as a strip connected between the centers of the two adjacent pictures at the back faces thereof (Figure 36 1123).

19. As per claim 24, Endoh demonstrated all the elements as applied to the rejected independent claim 13, supra, and Endoh further discloses a fourth monitor controller that moves a picture, transferred from said picture-display area to said editing-display area, from one location to another location on said editing-display area (Figure 114 Data movement determining controller).

20. As per claim 28, Endoh demonstrated all the elements as applied to the rejected independent claim 13, supra, and Endoh further discloses a connection-indicator that indicates a picture, displayed on said picture-display area, and a picture, displayed on said editing-display area, to be connected to each other when the former picture is transferred to said editing-display area (Figure 36).

21. As per claim 29, Endoh demonstrated all the elements as applied to the rejected dependent claim 28, supra, and Endoh further discloses a fourth monitor controller that changes said first scene of said monitor into a second scene in which a connection-processing for connecting said pictures to each other is performed before said former

Art Unit: 2672

picture is transferred to said editing-display area (Figure 4 114 for controlling and 112 shows link information is stored in a memory).

22. As per 30, Endoh demonstrated all the elements as applied to the rejected dependent claim 29, supra, and Endoh further discloses two pictures, included in a set forming said first group, and two pictures, included in a set forming said second group, are displayed on said second scene of said monitor under control of said fourth monitor controller for said connection-processing (Figure 3 60 and 61 as first group and 76 and 77 as second group).

23. As per claim 31, Endoh demonstrated all the elements as applied to the rejected dependent claim 30, supra, and Endoh further discloses two pictures, included in a set forming said first group, and said two pictures, included in a set forming said second group, have at least two common connecting-image-points for said connection-processing (Figure 3 80).

24. As per claim 32, Endoh discloses an image processing method for a photogrammetric analytical measurement in which a survey map is produced by connecting a first group of pictures and a second group of pictures, said method comprising:

displaying a scene on a monitor that includes a picture-display area and an editing-display area (Figure 2 where the left portion (60, 61, 62 and 63) are picture display area and the right portion is the editing-display area);

Art Unit: 2672

selectively displaying only one picture in each of said first group and said second group, on the picture-display area of the monitor (Figure 2 where the left portion (60, 61, 62 and 63) are picture display area and the right portion is the editing-display area);

transferring a displayed picture from said picture display area to said editing-display area (Figure 4 114 the Data movement determining section);

visually displaying a connection relationship between pictures displayed on said editing-display area of said scene (Figure 4 118).

Endoh, discloses an image processing method. It is noted that Endoh does not explicitly disclose said image processing method is producing a survey map by a photogrammetric analytical measurement using the connection relationship, however, this is known in the art as taught by Plunk. Plunk discloses a method to generate survey map by using photogrammetry (Figure 3 where 41, 42 and 40 provide points of connection).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Plunk into Endoh because discloses an image processing method and Plunk discloses an imaging processing method by using photogrammetry in order to automatically generate realistically three dimensional view of the scene.

25. As per claim 33, since Endoh's system is a computer system, it has memory to perform tasks as in claim 32, and therefore is similarly rejected as claim 32.

26. As per claim 34, Endoh and Plunk demonstrated all the elements as applied to the rejection of independent claim 1, supra, and Endoh further discloses at least two

Art Unit: 2672

sets of pictures comprises a first set having pictures featuring a photographed target located at a first target position and a second set having pictures featuring the photographed target located at a second target position (Figure 2 Since what is displayed are dynamics pictures, what is stored for each display location is a set of pictures).

27. . As per claim 35, Endoh and Plunk demonstrated all the elements as applied to the rejection of independent claim 13, supra, and Endoh further discloses at least two sets of pictures comprises a first set having pictures featuring a photographed target located at a first target position and a second set having pictures featuring the photographed target located at a second target position (Figure 2 Since what is displayed are dynamics pictures, what is stored for each display location is a set of pictures).

28. As per claim 36, Endoh and Plunk demonstrated all the elements as applied to the rejection of independent claim 32, supra, and Endoh further discloses at least two sets of pictures comprises a first set having pictures featuring a photographed target located at a first target position and a second set having pictures featuring the photographed target located at a second target position (Figure 2 Since what is displayed are dynamics pictures, what is stored for each display location is a set of pictures).

29. As per claim 37, since Endoh's system is a computer system, it has memory to perform tasks as in claim 36, and therefore is similarly rejected as claim 36.

Art Unit: 2672

30. Claims 4-6, and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Endoh et al. (5,819,103) and Plunk as applied to claim 1 above and further in view of Kaplow et al. (4,202,041).

As per claim 4, Endoh and Plunk demonstrated all the elements as applied to the rejected claim 3, supra.

Endoh and Plunk discloses a method of displaying pictures. It is noted that Endoh and Plunk do not explicitly disclose "a marker is displayed on said editing-display area under control of said second monitor controller to indicate a location, at which the picture is to be transferred from said picture-display area to said editing-display area, when said picture is indicated by said transfer-indicator", however, this is known in the art as taught by Kaplow et al., hereinafter Kaplow. Kaplow discloses a display system where a marker is used to position a picture to be transferred (Figure 14).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kaplow into Endoh and Plunk because Endoh and Plunk discloses a method of displaying pictures that have relations and Kaplow discloses a method of positioning a location in order for the picture to be easily transferred to the desired location.

31. As per claim 5, Endoh, Plunk and Kaplow demonstrated all the elements as applied to the rejected claim 4, supra, and Kaplow further discloses comprises a frame representing an outline of the picture to be transferred from said picture display area to said editing-display area (Figure 14 the outline).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kaplow into Endoh and Plunk because Endoh and Plunk discloses a method of displaying pictures that have relations and Kaplow discloses a method of positioning a location in order for the picture to be easily transferred to the desired location.

32. As per claim 6, Endoh, Plunk and Kaplow demonstrated all the elements as applied to the rejected claim 4, supra, and Kaplow further discloses said marker is movable under control of said second monitor controller in said editing-display area (since the marker is controllable by the keyboard it is movable).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kaplow into Endoh and Plunk because Endoh and Plunk discloses a method of displaying pictures that have relations and Kaplow discloses a method of positioning a location in order for the picture to be easily transferred to the desired location.

33. As per claim 19, Endoh and Plunk demonstrated all the elements as applied to the rejected dependent claim 18, supra.

Endoh and Plunk discloses a method of displaying pictures. It is noted that Endoh does not explicitly disclose "a marker is displayed on said editing-display area under control of said second monitor controller to indicate a location, at which the picture is to be transferred from said picture-display area to said editing-display area, when said picture is indicated by said transfer-indicator", however, this is known in the

Art Unit: 2672

art as taught by Kaplow. Kaplow discloses a display system where a marker is used to position a picture to be transferred (Figure 14).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kaplow into Endoh and Plunk because Endoh and Plunk discloses a method of displaying pictures that have relations and Kaplow discloses a method of positioning a location in order for the picture to be easily transferred to the desired location.

34. As per claim 20, Endoh, Plunk and Kaplow demonstrated all the elements as applied to the rejected claim 19, supra, and Kaplow further discloses comprises a frame representing an outline of the picture to be transferred from said picture display area to said editing-display area (Figure 14 the outline).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kaplow into Endoh and Plunk because Endoh and Plunk discloses a method of displaying pictures that have relations and Kaplow discloses a method of positioning a location in order for the picture to be easily transferred to the desired location.

35. As per claim 21, Endoh, Plunk and Kaplow demonstrated all the elements as applied to the rejected claim 19, supra, and Kaplow further discloses said marker is movable under control of said second monitor controller in said editing-display area (since the marker is controllable by the keyboard it is movable).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kaplow into Endoh and Plunk

Art Unit: 2672

because Endoh and Plunk discloses a method of displaying pictures that have relations and Kaplow discloses a method of positioning a location in order for the picture to be easily transferred to the desired location.

36. Claims 10-12 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Endoh et al. (5,819,103) and Plunk, and further in view of Mahoney et al. (5,659,639).

As per claims 10 and 11, Endoh and Plunk demonstrated all the elements as applied to the rejected claim 9, supra.

Endoh and Plunk disclose a method of displaying pictures with control unit to determine data movement. It is noted that Endoh and Plunk do not explicitly disclose "a movement-indicator that indicates a picture to be moved on said editing-display area" and "a marker is displayed on said editing display area under control of said fourth monitor controller to indicate a location, at which the picture is to be moved, when said picture is indicated by said movement-indicator", however, this is known in the art as taught by Mahoney et al., hereinafter Mahoney. Mahoney discloses a image editing system in which movement-indicator are used to indicate movement of images (Figure 16).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Mahoney into Endoh and Plunk because Endoh and Plunk disclose a method of displaying pictures with control unit to determine data movement and Mahoney further discloses the movement of images can be tracked by a movement indicator in order to easily track the movement of image.

Art Unit: 2672

37. As per claim 12, Endoh, Plunk and Mahoney demonstrated all the elements as applied to the rejected dependent claim 11, supra, and Mahoney further discloses said marker comprises a frame representing an outline of the picture to be moved on said editing-display area (Figure 4 where image A and B have frames).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Mahoney into Endoh and Plunk because Endoh and Plunk disclose a method of displaying pictures with control unit to determine data movement and Mahoney further discloses the movement of images can be tracked by a movement indicator in order to easily track the movement of image.

38. As per claims 25 and 26, Endoh and Plunk demonstrated all the elements as applied to the rejected claim 24, supra.

Endoh and Plunk disclose a method of displaying pictures with control unit to determine data movement. It is noted that Endoh and Plunk do not explicitly disclose "a movement-indicator that indicates a picture to be moved on said editing-display area" and "a marker is displayed on said editing display area under control of said fourth monitor controller to indicate a location, at which the picture is to be moved, when said picture is indicated by said movement-indicator", however, this is known in the art as taught by Mahoney et al., hereinafter Mahoney. Mahoney discloses a image editing system in which movement-indicator are used to indicate movement of images (Figure 16).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Mahoney into Endoh and Plunk

Art Unit: 2672

because Endoh and Plunk disclose a method of displaying pictures with control unit to determine data movement and Mahoney further discloses the movement of images can be tracked by a movement indicator in order to easily track the movement of image.

39. As per claim 27, Endoh, Plunk and Mahoney demonstrated all the elements as applied to the rejected dependent claim 26, supra, and Mahoney further discloses said marker comprises a frame representing an outline of the picture to be moved on said editing-display area (Figure 4 where image A and B have frames).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Mahoney into Endoh and Plunk because Endoh and Plunk disclose a method of displaying pictures with control unit to determine data movement and Mahoney further discloses the movement of images can be tracked by a movement indicator in order to easily track the movement of image.

Response to Arguments

40. Applicant's arguments with respect to claims 1, 13, 32 and 33 have been considered but are moot in view of the new ground(s) of rejection.

Applicant also argues in claim 1 that Endoh does not teach a monitor that displays a scene including a picture display area and an editing-display area. In reply, Examiner considers the title frame area as a picture display area.

Conclusion

Art Unit: 2672

41. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

42. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Inquiries

43. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ryan Yang** whose telephone number is **(703) 308-6133**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Michael Razavi**, can be reached at **(703) 305-4713**.

• Art Unit: 2672

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 305-47000377.

Ryan Yang
July 28, 2003



MICHAEL RAZAVI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600